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Security Council

Fifty-ninth year

Provisional

4979th meeting

Thursday, 27 May 2004, 10 a.m.

New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Baali
	Angola	Mr. Constantino
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. De La Sablière
	Germany	Mr. Trautwein
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. De Palacio
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Holliday

Agenda

The situation in Afghanistan

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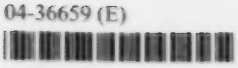

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President: I should like to inform the Council that I have received a letter from the representative of Afghanistan, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan), took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean Arnault, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan.

There being no objection, it is so decided.

I invite Mr. Arnault to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Jean Arnault, Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan. I now give him the floor.

Mr. Arnault (*spoke in French*): As this is the first time I am briefing the Council, allow me to begin by warmly thanking the Council for its confidence in me, shown by its support for the Secretary-General's decision to appoint me his Special Representative for Afghanistan, for its strong support for the extension of the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) in its most recent resolution on that matter, resolution 1536 (2004).

(*spoke in English*)

A few months separate us from the holding of the national elections that will mark the end of the transitional Government. I would like therefore to focus my briefing on the main challenges confronting the country in the preparation of that event. In keeping with the format of previous Security Council briefings, and in view of the critical impact of security conditions on the political process, I would like to begin this briefing with a review of the security situation in the country.

In his latest report on Afghanistan to the Security Council, last March (S/2004/230), the Secretary-General observed that insecurity in Afghanistan continued to follow a well-known pattern. The most recent United Nations security map bears that out, with little change in the identification of low-risk, middle-risk and high-risk provinces. Within that pattern, however, the situation has evolved negatively in recent months in the more risky areas — and particularly in the south — with a tangible increase in the number of incidents and in the number of resulting casualties.

That increase is consistent with the spring surge in extremists' attacks, which the coalition had been expecting. The modus operandi — anti-Government forces operating in small groups of 10 to 20 men and targeting Afghan police, the Afghan National Army, the civilian administration, non-governmental organizations and Government representatives — also confirms the shift in the strategy of the Taliban and other groups that was observed last year. According to the coalition, various extremist groups are involved, including Taliban operating in the south, foreign fighters in the south-east and Hezb-i-Islami/Hekmatyar in the east.

At the same time, one must be cautious in establishing responsibility for events taking place in the south, east and south-east. Drug-related violence is an important factor of insecurity. Militias involved in combating the Taliban are also widely believed to be responsible for a high percentage of incidents in the areas where they operate. A recent attack against an electoral assessment mission in the south-east turned out to have been organized by the local border brigade commander, perhaps in connection with criminal

activities. In addition, in the context of ongoing disarmament, demobilization and reintegration (DDR) programmes, there have been warnings that commanders targeted by DDR would get involved in incidents aimed at creating a perception of a security vacuum.

Many of these factors are also present in other parts of the country. In particular, the province of Farah has become increasingly insecure as a result of rivalries among local factions. In the north and north-east, tensions between the Jumbesh and Jamiat factions remain high following clashes that took place in March in the provinces of Faryab and Balkh. However, deployments there, and in Herat, of the new Afghan army have had a stabilizing impact and have prevented further escalation.

In Kabul, even though no deadly suicide attacks — like those directed against the International Security Assistance Force (ISAF) last winter — have taken place another ISAF patrol was attacked last week with rocket-propelled grenades, causing the death of one Norwegian soldier. Earlier, a rocket landed at ISAF headquarters, fortunately without fatality. In addition, in recent weeks the number of arms caches uncovered by ISAF has been increasing, and multiple signs of heightened anti-Government activity have appeared, indicating that the spring surge under way in much of the country may be ongoing in the country's capital as well.

While the aid community continues to keep a low profile in insecure areas in order to reduce its vulnerability, the expanding voter registration process — to which I will come back later — has been affected by the overall increase in incidents. So far, four attacks have taken place against registration teams, involving improvised explosive devices — one in the south, one in the north-east and two in the east — fortunately, in all those cases, without fatalities. In addition, grenade attacks took place in the province of Wardak and two improvised explosive devices were found in Logar, near a registration site, last week. It is still unclear, however, whether those attacks have been directed against the electoral operation per se or whether they are intended, like many other similar attacks, against Government targets.

The level of violent opposition to the electoral process is therefore still difficult to gauge, but precautions are, of course, being taken, as registration is now pushing into the rural areas. In particular, very close coordination has been developed with coalition forces. The deployment of a new United States Marines unit in Uruzgan and Zabul has allowed access to the registration process in areas that until now have been forbidden to internationals. The coalition has now reorganized its forces into three regional commands that cover the territory as a whole and that liaise with electoral authorities to allow registration to take place.

I will now turn to voter registration and the electoral process. Upon completion in April of voter registration in the eight major population centres, the process entered its second and final phase, which is to cover the rest of the country over the next couple of months. The second phase started with 160 sites in early May and has now expanded to almost 600 sites in 31 of the 34 provinces, with more than 1,000 registration teams operating simultaneously.

Since the beginning of May, close to a million people have been registered, which brings the total number of registered voters today to 2.7 million. Contrary to initial expectations, the participation of women has not dropped as voter registration expanded beyond the main urban centre.

After a slow start between December and March, women's registration has picked up in the past two months, accounting now for between 37 per cent and 38 per cent of registrations over that period. However, we also have to take into account the fact that significant under-registration of women continues in the south-east and east, where women account for less than 30 per cent of registrants.

As mentioned earlier, with the active support of the coalition, the high-risk provinces of Uruzgan and Zabul, which have been off-limits to international agencies for two years, are now open to registration, though on a reduced scale, and we hope to expand to the remaining high-risk provinces of Paktika and Nuristan in the coming days.

In order to meet registration targets, further expansion is planned in the short term, from 600 currently to approximately 800 sites by 1 June. This is needed to enable voter registration to achieve the minimum required cruising speed of at least 75,000 registrations per day.

Although the process is well under way, a number of concerns remain that I would like to share with the

Council. I have already mentioned the problem of security and the distinct possibility that insecurity could lead to under-registration in some provinces. The figures today are revealing: altogether, the nine provinces of the south and south-east represent a mere 12 per cent of registered voters. If that pattern should last, it will give rise to a second issue — namely, that of a lack of balance in registration between various provinces. Ultimately, under-registration in one province relative to another should have little impact on the outcome of the elections to the Lower House, since the number of seats for any one province will be based on population estimates rather than registration figures. But registration figures will still have an impact in terms of creating a perception that some parts of the country have been — perhaps deliberately — disenfranchised. Much is riding, therefore, on providing to unsafe areas of the south an equal opportunity to participate in the electoral process.

Another challenge relates to the determination of population figures themselves. Indeed, under the new Electoral Law, the figures that will be used to define the number of representatives per province will be based on a current survey done by the Central Statistical Office. Unfortunately, again due to insecurity, it is now quite likely that the provinces of Zabul, Helmand, Paktika and Uruzgan will not be surveyed, or only very partially. Based on the trends identified in the country as a whole, census experts are still confident that they can produce fairly reliable figures for those four provinces, but, again, given the sensitivity involved in all matters related to representation, that lack of survey is also bound to compound the suspicion already created by low registration figures.

A third challenge is, of course, funding. The voter registration process itself is almost fully funded, with a shortfall of just $2.6 million, but the election itself is only partially funded, to a very limited extent. To date, the figures are as follows: of the $107.8 million needed to cover presidential and parliamentary elections as well as out-of-country registration and voting, as well as security, only $66.1 million were pledged at the Berlin conference in April, and only $27.7 million have been secured so far. This creates a particularly serious problem for refugee voting, which I will come back to later.

Following lengthy debates within the Cabinet and the Joint Electoral Management Body, the Electoral Law has now been finalized. The main point under discussion has been the role of political parties during the transitional election. Because the creation of single-member constituencies for all 240 seats in the future Lower House was not an option, at least for the Transitional Government, the point of departure for the recently adopted electoral system is the establishment of multi-member constituencies based on the boundaries of the current provinces.

Some have argued that, in order to promote multi-party democracy, it was advisable to encourage existing political parties to serve as intermediaries between the voters and their representatives in Parliament through the creation of party lists. Others feel very strongly that the electoral system should not rely on political parties — which still have a largely negative image in public opinion — and should, on the contrary, promote a direct relationship between voters and their representatives in Parliament. The latter view has prevailed, and the current law places political party representatives and independent candidates on the same footing. The system chosen — the Single Non-Transferable Vote — has the merit of being simple to explain and fairly simple to operate, but it also tends to spread the vote widely among candidates, leading, therefore, to a potentially very fragmented representation in Parliament. In order to try to contain those disadvantages, some prerequisites for the nomination of candidates have been included in the Law which are meant to mitigate the problem of fragmentation. As to the representation of women, the Electoral Law ensures compliance with the constitutional requirement that, on average, two women per province be elected to the Lower House by providing that the best- performing women will automatically get the seats that the provincial quota requires.

A few words now about local elections and also about refugee participation in the elections. In February of this year, it was agreed that the elections to be held in September would include only the presidential election and elections to the Lower House. Local elections, it was agreed, would take place in a staggered way over a period of six months, and the full Upper House would be constituted soon after. This, it turns out, was a wise decision, since the settlement of disputes concerning district boundaries — obviously, a precondition for local elections — has not yet been completed and is likely to take quite some time.

I referred briefly to the issue of out-of-country registration and voting. It is hoped that a final decision will be made soon by the electoral authorities, in consultation with the central Government. Certainly, the participation of refugees in the upcoming elections is important, but one has to understand that the challenges are considerable. Indeed, with the goal of enabling more than 2 million refugees to vote, this is the largest out-of-country voting operation ever undertaken in a post-conflict context.

In Berlin, we had presented the international community with a bill for full registration and voting in Iran and Pakistan amounting to $37.6 million. Some donors were concerned about the high price, in particular if it covered only presidential elections — which is the choice of the Cabinet. Together with the Afghan Electoral Commission, we have been working on less expensive options, but they raise some issues of credibility, particularly where the identification of eligible voters is difficult. Again, we hope that a solution that meets electoral standards and provides franchise for the overwhelming majority of refugees will soon be found.

A few words now about political parties, obviously key actors in the electoral process. The registration of political parties has been slow and difficult. This is in part because the Political Party Law sought, understandably, to limit the right to operate legally to those groups that were not related to military organizations. But that criterion has proved very difficult to implement — and let us remember, after all, that the main partners in the coalition Government are, or have been, in fact, heads of political or military organizations themselves. As of today, 16 parties have been registered, out of the 48 that have applied. We continue to encourage donors to provide some capacity to those registered parties — on an equal basis — in order to enable them to participate meaningfully in the upcoming elections.

The status of political parties takes us directly to the all-important issue of the political environment in which the upcoming elections are to take place. You may remember, Mr. President, that in August of last year, Ambassador Brahimi circulated to the Council a draft work plan that contained a series of security and political benchmarks that the country had to meet in order to be able to hold free and fair elections, leading, as the Bonn Agreement requires, to a fully representative Government.

Those political measures included the adoption of a Political Party Law; the registration of political parties; the revision of the existing Press Law to enhance the protection of journalists; the creation of a Media Monitoring Commission; a Code of Conduct for political parties; and the issuance by the central Government of clear instructions to officials, both military and civilian, regarding their behaviour during the electoral campaign.

Those measures are at various stages of implementation today. As I mentioned earlier, the Political Party Law has been adopted, and political parties are being registered, albeit slowly. A new Media Law has been passed which has some shortcomings but is overall considered to be a major improvement over the Press Law adopted in 1992. Following the adoption of the Electoral Law, the electoral authorities are now in the process of establishing a media monitoring commission, which will have to start operating 60 days before the elections. A code of conduct has now been approved by the electoral authorities and is open for signature to political parties. Finally, the organization of a campaign of verification of political rights is now being discussed between the Afghan Human Rights Commission and UNAMA and we hope that it will start in the next couple of weeks.

Among the benchmarks for the holding of free and fair elections, one stands out in the minds of an overwhelming majority of Afghans: disarmament, demobilization and reintegration. The importance of DDR goes, of course, beyond the elections themselves. It is a critical component of a larger process aimed at addressing one of the most dangerous legacies of the lengthy war in Afghanistan, namely, the continued existence of multiple armies that jeopardize the building of a viable Afghan State and constitute a permanent threat to civil peace.

But the significance of DDR for the shorter-term electoral process cannot be overestimated. Indeed, Afghans, irrespective of geographical origin and ethnic affiliation, have reaffirmed on countless occasions since the Emergency Loya Jirga that a genuine exercise in electoral choice could take place only if the grip of local militias on the political process was loosened. The principal goal of the 2004 elections — strengthening the legitimacy and authority of the next Afghan Government — would no doubt be compromised if public perception should prevail that

the election was distorted by military intimidation and interference.

This is why UNAMA has been insisting that DDR, while negotiable, is not optional, but both a central and urgent task of the Transitional Government. Naturally, it is also a very complex and sensitive task. Coercive disarmament is not an option in Afghanistan. Even if the central Government had the will to conduct compulsory demobilization, it does not have the means to match. The process of disarmament is therefore, unavoidably, a voluntary process. It requires a combination of factors that include a measure of overall confidence in the institutions of the State, in particular the Ministry of Defence; the confidence of soldiers and commanders in the sustainability of reintegration; and the confidence of factional leaders in their security and their integration in the political future of the country.

As members are aware, following the completion of the pilot projects from December 2003 to February 2004, the Government and the international community have reached an agreement on the main phase of DDR, which is to include, by June, 40 per cent of the militia forces and, by July, the full cantonment of heavy weapons under a reliable safekeeping arrangement. The implementation of this agreement, however, has encountered very serious delays. Senior commanders have been reluctant to cooperate with the process on a variety of grounds. They have cited a lack of balance in DDR between rival armed formations; Taliban operations in the South; and a lack of confidence in the prospects for reintegration, including political integration. Some of these concerns can be entertained and have been addressed through adjustments that have been made in the past few days to the DDR plan. As a result, we expect more cooperation with the plan from a variety of senior commanders from now on.

With regard to political integration, discussions have been taking place on and off for many months. We hope that an understanding can now materialize and, just as importantly, that this understanding between the Government and senior commanders will advance the main priorities on Afghanistan's national agenda: disarmament, the strengthening of national institutions, the rule of law, the observance of human rights and the all-important fight against drugs.

As to heavy weapons cantonment — an important component of the DDR process — the country-wide survey is now complete. So far, about 3,000 functioning or repairable weapons systems have been surveyed. Heavy weapons cantonment is now about to start in Gardez and in Kandahar and will take around a month to complete in each location. I should also stress that in Kabul, where heavy weapons cantonment started last November, ISAF hopes that full cantonment will be achieved in one week to 10 days.

In conclusion, I would like to stress that there is no doubt about the positive impact that the holding of genuine national elections can have on the consolidation of peace in Afghanistan. This election can be an invaluable means to a critical end, namely, that of broadening the legitimacy of the new State and strengthening its authority to address the persisting problems of violent extremism, factionalism, drugs and what is still a sombre picture in terms of human rights. Surprisingly, perhaps, in a country without a strong electoral tradition, voter registration has mobilized the population at large, which is insistently demanding participation in the electoral process. This certainly should allay the concerns of those who may fear that these elections have no popular support. There is momentum and there are expectations. Those — not a small number — who were disappointed after June 2002 by the composition of the Transitional Government — deemed too unrepresentative of the nation as a whole — have now transferred their hopes to the national elections.

But this momentum and these expectations also place a considerable burden on the electoral process and the environment in which it will take place. As I said before, a process that is perceived to be biased and distorted could deeply undermine hopes, which were enhanced by the adoption of the new Constitution, that differences among Afghans can be settled through peaceful political means. Let us not make any mistake in that regard: the requirements of freedom and fairness are not a foreign standard. They are deeply a prerequisite for the holding of an election that will further peace, stability and national reconciliation in Afghanistan. Much of the responsibility for providing this environment will certainly rest with the Afghans themselves. In particular, those Afghan leaders who aspire to the authority that stems from a national election must know that the anticipated legitimacy of its outcome is predicated upon the legitimacy of the process itself. But the burden also rests on the international community.

Let me conclude, as I started, with a mention of the security issue and take advantage of this opportunity — perhaps the last — to call upon the States members of the North Atlantic Treaty Organization to respond to the appeal of their Secretary General and allow that organization to meet the commitments it has given to the people of Afghanistan. Security in general, and that of the electoral process in particular, is ultimately an Afghan responsibility, but it is a responsibility that Afghans currently cannot shoulder without international assistance. A widespread, robust international military presence in support of domestic security forces remains absolutely critical. The persistent woes of Afghanistan — terrorism, factionalism and criminal networks — are as much at work today as they were two years ago and their ability to subvert State-building and a genuine political process is hardly diminished. Whether it is counter-terrorism, electoral security, counter-narcotics or control of factional fighting, at this critical juncture for the Afghan peace process international security assistance continues to make the difference between success and failure.

The President: In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.50 a.m.